

REMARKS

I. INTRODUCTION

Applicant has previously cancelled claims 1-13, 23-26, 30 and 32-37. Applicant has herein cancelled claims 43-44 and amended claims 14-15, 17, 19-22, 27-28, 31, 38-42, 45 and 47-48. Accordingly, claims 14-22, 27-29, 31, 38-42 and 45-48 are presently pending in this application. Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and the following arguments.

II. AMENDMENTS TO THE CLAIMS

Applicant has deleted the modifier “unitary” before “electrode” throughout the claims. Applicant has amended independent claims 14, 27 and 38 to delete the references to various thermally insulating “materials” and “layers” and replace these terms with the term “casing” as the general term used within the specification. Applicant has further amended claims 14 and 27 to clarify language that previously indicated that the “thermally insulating interior casing” is “within” the “outlet branch” or “outlet opening.” The remaining amendments have been made for consistency with the amendments recited above and to clarify the recitation of the invention. Applicant submits that none of the amendments add any new matter.

III. OBJECTION TO THE DRAWINGS

The drawings stand objected to under 37 C.F.R. § 1.83(a) as failing to show every feature of the invention specified in the claims. In particular, the Examiner asserts that the drawings do not show a “thermally insulative layer and a layer of thermally poorly conductive material.” Applicant has amended the claims to delete references to a “thermally insulative layer” and a “thermally poorly conductive material.” Accordingly,

Applicant submits that the objection has been rendered moot and requests that the objection be withdrawn..

IV. GUIDELINES FOR THE SPECIFICATION

Applicant appreciates the Examiner's suggested guidelines for the specification.

Applicant respectfully declines to amend the specification at this time, however.

Applicant will reconsider the matter at a later date should one or more claims be allowed in this application .

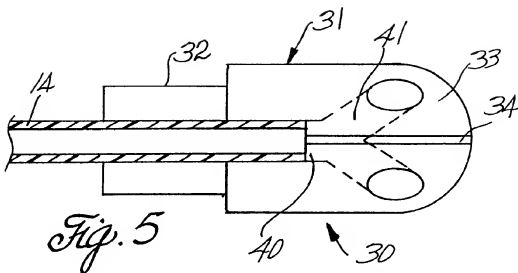
V. REJECTION OF CLAIMS 14, 16-18, 22, 27-28, 31 AND 38-48 UNDER 35 U.S.C. § 102(B)

Claims 14, 16-18, 22, 27, 28, 31, and 38-48 stand rejected under 35 U.S.C. § 102(b) as anticipated by Webster (U.S. Patent No. 6,171,275) Applicant has cancelled claims 42-43 and amended claims 14, 17, 22, 27-28, 31, 38-42, 45 and 47-48. Applicant submits that the rejection of remaining claims 14, 16-18, 22, 27-28, 31, 38-41 and 44-48 under 35 U.S.C. § 102(b) is improper and/or has been overcome because Webster does not disclose or suggest all of the limitations recited in the claims. In re Paulsen, 30 F.3d 1475, 1478-79, 31 U.S.P.Q.2d 1671 (Fed. Cir. 1994); Verdegaal Bros. v. Union Oil Co. of California, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1997) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.").

Independent claim 14, as amended, recites a catheter having "an electrode having at least one bore formed through the electrode....wherein said at least one bore includes at least one fluid outlet branch coupling to a lateral side of the electrode and said at least one fluid outlet branch includes a thermally insulating interior casing." Independent

claim 27, as amended, recites a catheter including an electrode...having at least one outlet opening formed therethrough” and “a thermally insulating casing insulating at least a portion of said at least one outlet opening.” Independent claim 38, as amended, recites a method including the steps of deploying an electrode body...wherein said electrode body includes a longitudinal fluid passageway...and the fluid passageway couples to at least one outlet opening...wherein at least a portion of an interior surface of said at least one outlet opening comprises a thermally insulating casing. Applicant respectfully submits that Webster does not teach or suggest a catheter or method meeting the above-recited limitations.

Webster discloses a split tip electrode 30 for a catheter having a central irrigation channel 40 with transverse branches 41. Figure 5. The electrode is described as “preferably made of platinum.” Col. 4, line 47. The electrode is, of course, electrically and thermally conductive in accordance with its intended purpose. Webster nowhere teaches or suggests, however, that the branches 41 of the irrigation channel 40 have a “thermally insulating” casing as recited in each of independent claims 14, 27 and 38. The Examiner notes that the catheter assembly in Webster includes an “infusion tube 14” used to supply irrigation fluid, that the tube is made of polyamide and can act as a thermally insulating layer. Office Action of January 19, 2010 p. 5, lines 4-5. The Examiner incorrectly asserts, however, that the tubing extends into the branches 41 that branch off from the central irrigation channel 40 in the electrode 30. *Id.* at 5-6. The extension of tube 14 into braches 41 is nowhere shown nor suggested in Webster. As shown below, Figure 5 in Webster teaches that tube 14 terminates prior to branches 41 and does not extend into braches 41.



Every other drawing shows the same relationship. See Figures 7-8 and 9-11. The specification likewise fails to teach that the tube 14 extends into the branches 41:

[The infusion tube 14] may be a single elongated tube which extends through the catheter body 11 through the first lumen 26 of the tip section 12, through the bridge tubing 22 and cup electrode 36 and into the irrigation channel 40 of the qua tip electrode.

Col. 6, lines 28-32; *see also* col. 8, lines 43-46. In sum, nothing in Webster teaches or suggests that the outlet branches or openings including a thermally insulative casing as recited in independent claims 14, 27 and 38.

Because Webster does not disclose or suggest all of the limitations recited in independent claims 14, 27 and 38, Applicant submits that the rejection of claims 14, 27 and 38 under 35 U.S.C. § 102(b) is improper. Accordingly, Applicant requests that the rejection of claims 14, 27, and 38 under 35 U.S.C. § 102(b) be withdrawn. Further, because each of claims 16-18, 22, 28, 31, 29-41 and 44-48 depend from one of the aforementioned independent claims, Applicant also submits that the rejection of claims 16-18, 22, 28, 31, 29-41 and 44-48 under 35 U.S.C. § 102(b) is also improper and/or has

been overcome. Accordingly, Applicant request that the rejection of claims 16-18, 22, 28, 31, 29-41 and 44-48 under 35 U.S.C. § 102(b) be withdrawn.

VI. REJECTION OF CLAIMS 15, 19-21 AND 29 UNDER 35 U.S.C. § 103(A)

Claims 19-21 stand rejected as being unpatentable under 35 U.S.C. § 103(a) over Webster (U.S. Patent No. 6,171,275) in view of Rydell (U.S. Patent No. 5,098,431). Claims 15 and 29 stand rejected as being unpatentable under 35 U.S.C. § 103(a) over Webster (U.S. Patent No. 6,171,275) in view of Brucker (U.S. Patent No. 6,017,338). Applicant submits that the rejections of claims 15, 19-21 and 29 under 35 U.S.C. § 103(a) are improper and/or have been overcome because the combinations of references cited by the Examiner do not disclose or suggest all of the limitations recited in claims 15, 19-21 and 29 and the Examiner therefore has not established a prima facie case of obviousness. MPEP § 2143.

Claims 15 and 19-21 depends from independent claim 14 and therefore incorporates all of the limitations recited in claim 14. Claim 29 depends from independent claim 27 and therefore incorporates all of the limitations set forth in claim 27. As discussed hereinabove in Section V, Webster fail to disclose or suggest a catheter meeting the limitations of claims 14 and 27. Neither Rydell nor Brucker et al. have been cited as meeting the missing limitations and Applicant submits that they do not. Accordingly, at least because claims 15, 19-21 and 29 depends from one of claims 14 and 27, the rejection of claims 15, 19-21 and 29 under 35 U.S.C. § 103(a) is improper and/or has been overcome.

Because the combinations of Webster with either Rydell or Brucker do not disclose or suggest all of the limitations recited in claims 15, 19-21 and 29, Applicant

submits that the rejection of claims 15, 19-21 and 29 under 35 U.S.C. § 103(a) is improper and/or has been overcome. Accordingly, Applicant requests that the rejection of claims 15, 19-21 and 29 under 35 U.S.C. § 103(a) be withdrawn.

VII. CONCLUSION

For the above cited reasons, all of the claims presently pending in this application are believed to be allowable. If the Examiner has any further questions or concerns, the Examiner is invited to contact the Applicant's undersigned attorney.

Respectfully submitted,

/William F. Kolakowski III/
William F. Kolakowski III
Registration No. 41908
Customer No. 26,127
DYKEMA GOSSETT PLLC
39577 Woodward Ave., Ste. 300
Bloomfield Hills, MI 48304
(248) 203-0822
Attorney for Applicant

BH01\1129346.1
IDWFK - 065513\0288